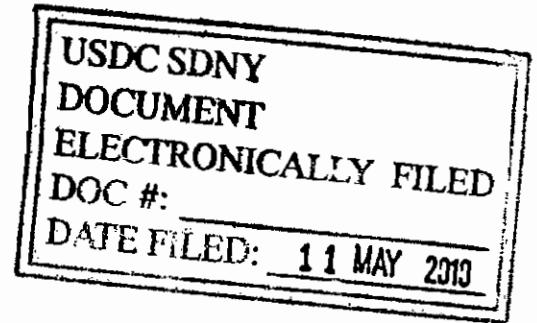


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



-----x  
SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

-v-

No. 05 Civ. 5231 (LTS)(JLC)

AMERINDO INVESTMENT  
ADVISORS INC., et al.,

Defendants.

-----x  
**ORDER**

On April 15, 2010, this Court issued an order requiring Defendant Gary A. Tanaka to enter a notice of appearance by new counsel or appear pro se by May 10, 2010. The Court is in receipt of a May 10, 2010, letter from Mr. Tanaka, a copy of which is attached hereto, requesting that the Court extend the deadline to appear for an additional 60 days to allow Mr. Tanaka to retain legal representation.

The Securities and Exchange Commission is hereby directed to serve and file a response to Mr. Tanaka's request, with a courtesy copy sent to Chambers, by **May 14, 2010**.

SO ORDERED.

Dated: New York, New York  
May 11, 2010

  
LAURA TAYLOR SWAIN  
United States District Judge

Gary A. Tanaka  
211 East 60<sup>th</sup> Street Apartment 4C  
New York NY 10022

10 May 2010

The Honorable Laura Taylor Swain,  
United States District Judge  
United States District Court  
40 Centre Street, Room 1205  
New York, New York 10007-1581

Dear Judge Swain,

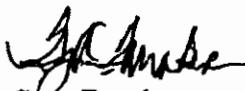
As you are aware, I am now into my sixth year in defending myself from federal prosecution. I was initially charged and arrested in May 2005, then convicted of three of twelve counts in November 2008. I am now in the process of appeal. This is my formal request to the court for a stay in my appearance in this proceeding for a period of 60 days for the reasons stated below.

- 1) My defense effort has exhausted my available financial resources, as I have so declared to the government, in costing me nearly \$4 million. Also, the recent forfeiture order in the excess of \$50 million has constrained my ability to seek funds from sources that might otherwise be available.
- 2) I am now scrambling to prevail on the generosity of my friends and relatives for additional legal defense funding. I have only just last week completed my retainer to the firm of Dershowitz, Eiger & Adelson for appeal in the criminal case.
- 3) Although I do not, at this time, have legal representation dedicated to this matter, I expect to have my legal assistance to be on board by the end of the requested 60-day period. Please note, however, if you feel this will unnecessarily extend the proceedings, I would be amenable to working towards a shorter time frame.

Please note that, although I am facing a surrender date of 17 May, I currently have a pending application to extend my bail period into mid-August, at which time I have decided I will surrender to federal authorities to begin serving my sentence instead of the usual option of seeking further bail.

Thank you for your consideration.

Yours sincerely,

  
Gary Tanaka